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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brita Sjöblom
Serial No. : 09/674,043
Filed : October 23, 2000
For : METHOD TO OBTAIN MICROPARTICLES
Examiner : A. Pulliam
Group Art Unit : 1615

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on January 17, 2002 at the facsimile number <u>703-872-9306</u> .	
Andrew Fessak Agent Name	48,528 PTO Reg. No.
<i>Andrew Fessak</i> Signature	1/17/02 Date of Signature

Group 1615
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: **Examiner A. Pulliam**
FACSIMILE NO: **703-872-9306**
DATE: **January 17, 2002**
PAGES: **3 pages**

**PETITION FOR WITHDRAWAL OF
PREMATURE OFFICE ACTION**

Sir:

This Petition is in response to the Office Action, mailed December 14, 2001. Applicants respectfully submit that the Office Action is premature for the reasons discussed below.

Withdrawal of the premature Office Action is therefore requested.

limits under PCT Article 39 is 30 months from the earliest claimed priority date, September 10, 1999.

Since the Demand, with the U.S. being elected, was filed before the expiration of the 19th month from the earliest priority date and there was no request made under the PCT Article 40(2) for an early examination, examination of the referenced application may not commence until the 30 month time limit under PCT Article 39 has expired. Specifically, examination must not begin before March 10, 2002.

Because the first Office Action of December 14, 2001 was issued before the expiration of the time limit under PCT Article 39, it is an improper action pursuant to PCT Article 40 and should be vacated.

No fee should be due in connection with this communication. However, should it be deemed that a fee is required for any reason, the Assistant Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: Jan 17, 2002

Respectfully submitted,

Andrew Fessak

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